

FILED

NOV - 1 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY F. KELLER (148005)
 JADE BUTMAN (235920)
 KELLER GROVER LLP
 425 Second Street, Suite 500
 San Francisco, CA 94107
 Telephone: (415) 543-1305
 Facsimile: (415) 543-7861

Attorneys for Plaintiff
 Kevin Stoltz

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KEVIN STOLTZ, individually and on behalf
 of all others similarly situated,

Plaintiff,

v.

INTEL CORPORATION, a Delaware
 Corporation,

Defendant.

Case No. C 05-2897 (MHP)

STIPULATION AND ~~PROPOSED~~
ORDER TO STAY DATES, EVENTS AND
DEADLINES PENDING THE OUTCOME
OF THE MOTION TO TRANSFER AND
COORDINATE OR CONSOLIDATE
PURSUANT TO 28 U.S.C. § 1407

WHEREAS, on July 15, 2005, Plaintiff filed the instant action in the Northern District of California ("Stoltz Action");

WHEREAS, on or about July 11, 2005, the plaintiffs in Brauch, et al. v. Intel Corp., No. C 05-2743 (BZ) (N. D. Cal., filed July 5, 2005), a related matter, moved before the Judicial Panel on Multi-District Litigation ("MDL"), to transfer and coordinate or consolidate for pre-trial proceedings pursuant to 28 U.S.C. § 1407 ("MDL Motion"), and the Stoltz Action has been identified as a related action to that motion;

WHEREAS, on or about July 27, 2005, Judge Patel issued a Related Case Order relating this case to an earlier filed case assigned to her, and canceling or staying certain but not

1 all dates, events and deadlines in the action;

2 WHEREAS, to date, a decision has not been rendered on the MDL Motion;

3 WHEREAS, the outcome of the MDL Motion will impact significantly the
4 schedule of this case;

5 THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2,
6 by and among counsel for Plaintiff Stoltz, and counsel for Defendant Intel Corporation, that any
7 events, dates or deadlines set by the Local Rules or the Federal Rules of Civil Procedure,
8 including the Local Rules for Alternative Dispute Resolution ("ADR Local Rules") and Federal
9 Rules of Civil Procedure 16 and 26, and any deadlines established in any case management order
10 applicable to this case should likewise be stayed pending the outcome of the aforementioned
11 MDL Motion; and

12 IT IS FURTHER STIPULATED by the aforementioned parties that if a case
13 management conference is rescheduled by the Court, the parties shall adjust the dates for any
14 conference, disclosures or reports required by the Local Rules or the Federal Rules of Civil
15 Procedure, including the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26
16 accordingly.

17
18 IT IS HEREBY STIPULATED.

19 Dated: October 28, 2005

20 Keller Grover LLP

21
22 By: /s/ Jeffrey F. Keller

23 JEFFREY F. KELLER

24
25 Attorneys for Plaintiff Stoltz

Bingham McCutchen LLP

By: /s/ Joy Fuyuno

JOY K. FUYUNO

Attorneys for Defendant
Intel Corporation

**[PROPOSED] ORDER TO STAY DATES, EVENTS AND DEADLINES
PENDING THE OUTCOME OF THE MDL MOTION**

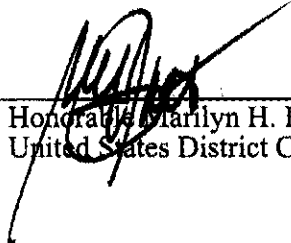
Any events, dates or deadlines set by the Local Rules or the Federal Rules of Civil Procedure, including the Local Rules for Alternative Dispute Resolution ("ADR Local Rules") and Federal Rules of Civil Procedure 16 and 26, and any deadlines established in any case management order applicable to this case are hereby stayed pending the outcome of the motion to transfer and coordinate or consolidate pursuant to 28 U.S.C. § 1407 ("MDL Motion").

Upon the determination of the MDL Motion, if it is necessary for the Court to reschedule a case management conference, the parties shall adjust the dates for any conference, disclosures or reports required by the Local Rules or the Federal Rules of Civil Procedure, including the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26 accordingly.

The parties shall notify the Clerk of the Court within 10 days of the decision on the MDL Motion.

IT IS SO ORDERED.

Date: _____



Honorable Marilyn H. Patel
United States District Court Judge